

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

9 JANUARY 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:03 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and to give instructions to legal counsel concerning the handling or a claim or judicial procedure pursuant to N.C.G.S. 143-318.11 (a) (3) and to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to G.S. 143-318.11 (a)(4).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Nancy Hoffmann, Sharon Hightower, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie Wells. Absent: None

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, and Angela R. Lord, Deputy City Clerk.

City Manager Westmoreland spoke to the format of the meeting; provided a brief history of the item; and recognized Greensboro Chamber of Commerce President and Chief Executive Officer Brent Christensen.

Mr. Christensen spoke to the Project Sky item; and recognized representatives from SKY to speak to the proposed project.

Executive Director and Southeast Leader for the Business Tax Credit and Incentives Practice Rose Burden spoke to a proposed East Greensboro project; to the benefits of the project; to the projected job creation and projected operation dates for phase one and two of the project; to the estimated \$450 million capital investment; outlined the ask for a public/private partnership; and recognized Publix Senior Vice President of Industrial Operations Mike Smith.

Mr. Smith thanked Council; spoke to the quality, value and growth of the Publix Company; provided the company history; spoke to teaching careers; working with minority based groups; and to planting roots for the Publix culture.

Mayor Vaughan inquired about accelerating the proposed project.

Mr. Smith outlined the timeline for the project; spoke to the creation of construction jobs; the potential use of local contractors; and to the disbursement of funding.

Discussion took place regarding trainings; construction start dates; and the phases of the project.

Director Business Analysis & Reporting Ken Stanger spoke to a long-term development.

Discussion continued regarding Publix retirement plans; truck driver careers; promoting from within; employee stockholders; employment opportunities for ex-offenders; and provision of cafeterias for employees free of charge.

Tax Consultant Jason Troller spoke to tax credits and incentives; outlined the request for each phase to include a eight year eighty percent (8/80) abatement, annexation into the City at the time of the first phase, and sewer and water waivers to be extended to the site; spoke to the phases of the project in relation to the state, county and power utilities; and to a catalytic project for the area.

Publix and Chamber representatives left the meeting.

City Manager Westmoreland spoke to the development of an agreement; made a PowerPoint Presentation; provided a location map of the proposed project; outlined the Project Sky incentive requests from August 2017 and January 2018; the incentive criteria details; spoke to the level of investment in the community; and to the average salaries.

Economic Development and Business Support Manager Kathi Dubel spoke to recent increases in the average salaries; and to providing a breakdown of entry-level jobs to Council.

City Manager Westmoreland spoke to the potential of 1000 jobs at varying position levels; outlined incentive grant options; the collection of performance based project taxes; spoke to the impact zone; and to frontage and capacity use fees.

Discussion ensued regarding other companies tapping into the water and sewer; concessions, parameters and criteria on performance based incentives; annexation and rezoning of the site; and legislative requirements.

Councilmember Kennedy left the meeting at 5:25 p.m. and returned at 5:26 p.m.

Discussion continued regarding the targeted area; the opportunity for Greensboro; Publix being a strong grocery operator; and a \$1.5 million grant from the state of North Carolina to offset City cost.

It was the consensus of Council to move forward with the item.

Publix and Chamber representatives re-entered the meeting.

City Manager Westmoreland stated that Council had approved to move the project forward; would hold a public hearing on February 20; and spoke to meeting Publix's requests.

Mr. Christensen spoke to the timeframe of holding the public hearing based on Guilford County approvals.

The Project Sky representatives left the room and City Manager Westmoreland announced the closed session was over. The audio recorder was turned off. City Attorney Carruthers informed staff that the closed session, was in fact, still taking place and at that point Mr. Christensen advised Council that Toyota Corporation had chosen a site in Alabama rather than the Guilford-Randolph Megasite as the location for their new automobile plant.

THE CLOSED SESSION WAS ADJOURNED AT 5:32 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

(A copy of the PowerPoint Presentation, which is hereby referred to and made a part of these minutes)

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

January 9, 2018
Closed Session



Angela R. Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



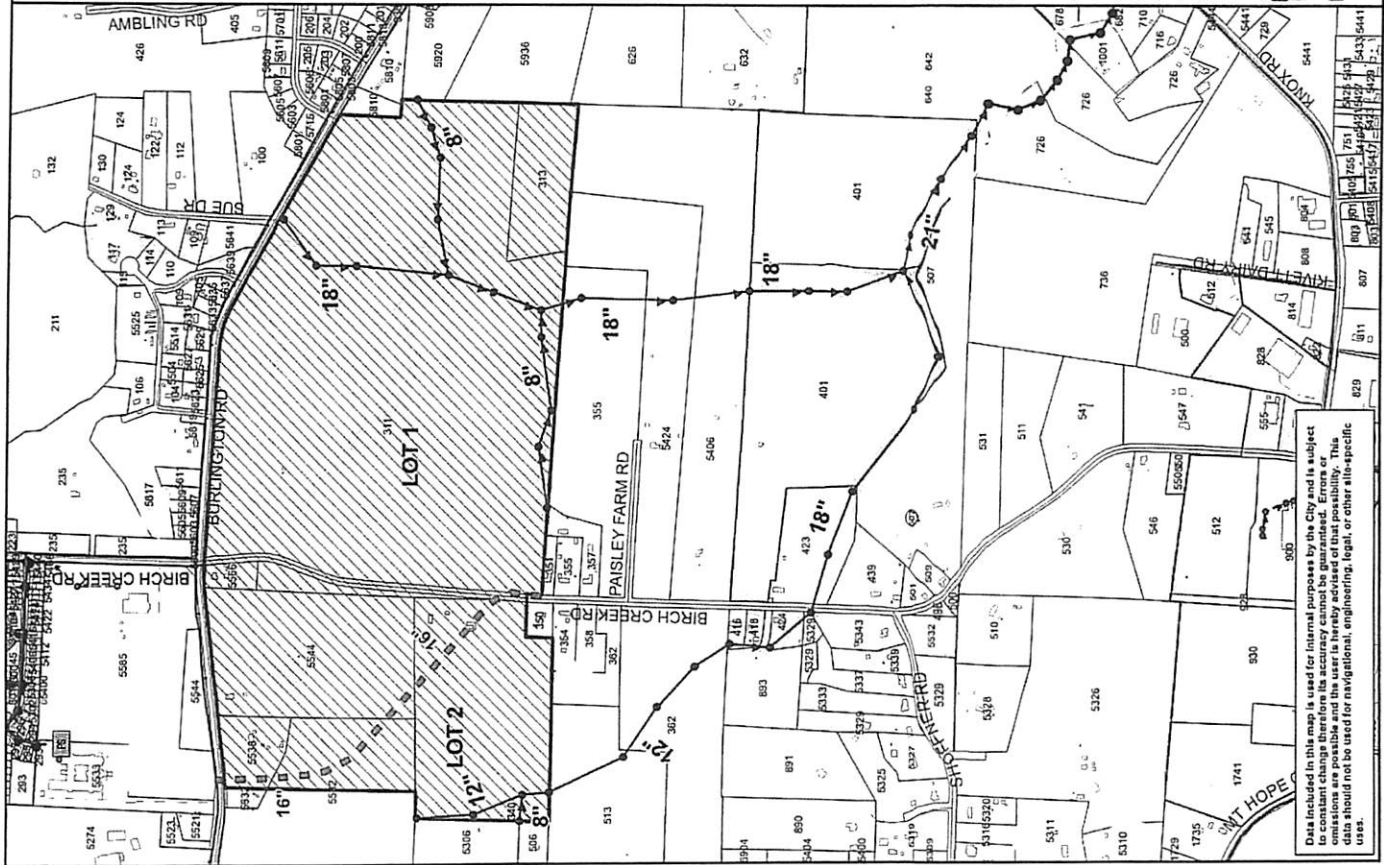
**Project Sky -
Closed Session
January 9, 2018**





1 inch = 1,000 feet

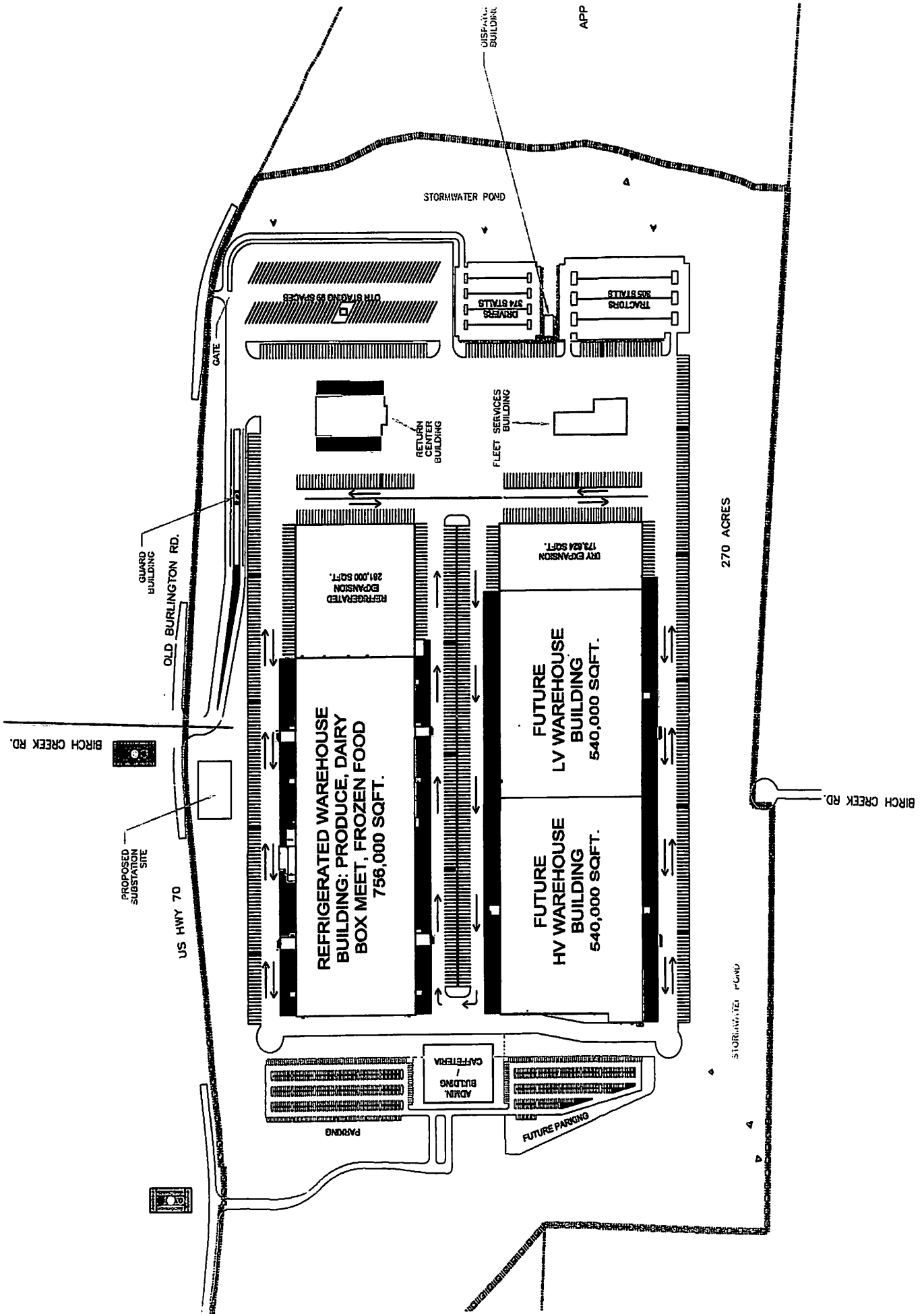
Water and Sewer Feasibility: 311, 313, 340 Birch Creek Road 5532, 5538, 5544, 5566 Burlington Rd



- LEGEND**
- Pressurized Mains
 - Private
 - Public
 - San Stations
 - Public
 - Private
 - Sewer Manholes
 - Public
 - Private
 - Gravity Mains
 - City, Active
 - Private, Active
 - Force Mains
 - Private
 - Public
 - Proposed Water Main
 - Proposed Private LFI Station
 - Proposed Sewer Manholes
 - Proposed Sewer Line
 - Project Areas
 - Utility Crossing
 - Water
 - City Limit

Data included in this map is used for internal purposes by the City and is subject to constant change therefore its accuracy cannot be guaranteed. Errors or omissions are possible and the user is hereby advised of that possibility. This data should not be used for navigational, engineering, legal, or other site-specific uses.

Date: 8/4/2017



270 ACRES

STORMWATER POND

REFRIGERATED WAREHOUSE
 BUILDING: PRODUCE, DAIRY
 BOX MEAT, FROZEN FOOD
 756,000 SQFT.

FUTURE
 HV WAREHOUSE
 BUILDING
 540,000 SQFT.

FUTURE
 LV WAREHOUSE
 BUILDING
 540,000 SQFT.

REFRIGERATED
 EXPANSION
 281,000 SQFT.

FUTURE EXPANSION
 71,824 SQFT.

RETURN
 CENTER
 BUILDING

FLEET SERVICES
 BUILDING

DISPATCH
 BUILDING

APP

TRACTOR STALLS
 DRIVER STALLS

TRACTOR STALLS

GUARD BUILDING
 OLD BURLINGTON RD.

PROPOSED
 SUBSTATION
 SITE

US HWY 70

BIRCH CREEK RD.

BIRCH CREEK RD.

PARKING

FUTURE PARKING

ADMIN BUILDING
 CAFETERIA



GATE

STORMWATER POND



BIRCH CREEK RD.

**Project Sky -
Closed Session
January 9, 2018**



Project Sky Incentive Requests (August, 2017)

- Ten Year, 80% property tax reimbursement
- Waiver of capacity use and frontage fees for water/sewer lines
- Extension of public Water / Sewer Lines at no cost to Client
- Waiver of annexation costs
- Development of property for both Phase 1 and Phase 2 will follow County guidelines. City will annex property no earlier than the date of the certificate of occupancy on Phase 1 (Can work with Client)
- Approval of rezoning request (Cannot Guarantee)
- City will accept usage & effluents from future manufacturing project at no cost to the project or company (Cannot Agree)



Project Sky Incentive Requests (January, 2018)

- **Eight Year, 80% property tax reimbursement incentive for 2 phases of project**
- **Waiver of capacity use and frontage fees for water/sewer lines**
- **Extension of public Water / Sewer Lines at no cost to Client**
- **Waiver of annexation costs**
- **Development of property for both Phase 1 and Phase 2 will follow County guidelines. City will annex property no earlier than the date of the certificate of occupancy on Phase 1 (Can work with Client)**



Incentive Criteria Details

	Project Sky Figures	City of Greensboro Incentive Guidelines
New Jobs:	1,000 New Jobs	25 Jobs ✓
Average Salary:	\$41,053	\$36,482* ✓
Investment:	P1 - \$350,000,000 P2 - \$100,000,000	\$7 Million ✓

* Impact Zone average salary is 80% of Guilford County wage

** Guidelines indicate new jobs to be created within 3 yrs



GREENSBORO

Incentive Grant Options

Impact Zone allows 80% of New Tax Revenue for up to 8 years

Based on Real Property Assessed Value and Machinery & Equipment Depreciable Value			
	Tax Collected	80% Granted Back	Possible Incentive
Phase I beginning 2022 – 2029	\$13,675,472	80%	\$ 10,940,378
Phase II beginning 2025 - 2032	\$3,907,395	80%	\$ 3,125,916

	2022	2023	2024	2025
Job Creation	500		250	250



Project Sky Incentive Requests (Staff Recommendation)

- Eight Year, 80% property tax reimbursement
 - approximately \$14.1M total (P1- \$11,P2 - \$3.1)
 - Qualifies for Six Year, 80% incentive – However Council policy allows City Council to determine final /desired level of assistance
 - Guilford County considering 8 year, 80% request

- Waiver of water/sewer capacity use and frontage fees
 - Okay - provided property is annexed into the City
 - General Assembly eliminated capacity use fees effective 7/1/18 (however City can still charge system development fee if desired)
 - Expected total project benefit = \$415,704



Project Sky Incentive Requests (Staff Recommendation)

- Waiver of annexation costs – None.
 - Acreage fees eliminated by Council 7/1/17

Other Project Support:

- Water & Sewer Public Line Extensions +/- \$3M
 - Possible for reimbursement support
 - State of North Carolina Department of Commerce to provide \$1.5M grant to help off-set City costs



Project Sky Next Steps

- Council Public Hearing – February 20, 2018
- If incentive award approved by Council and Client selects Greensboro/Guilford County:
 - Develop performance based incentive agreement - City/Client
 - Process \$1.5M State water/sewer support grant – With State or through Guilford County
 - If needed, develop public water/sewer line extension reimbursement agreement – City/Client
 - Client to work with City on final plan development, rezoning, annexation, and water/sewer line extensions



**Project Sky -
Closed Session
January 9, 2018**



GREENSBORO

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

6 FEBRUARY 2018

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:27 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with the City Attorney and the attorney retained by the City concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., pursuant to G.S. 143-318.11 (a)(3), and to consider the qualifications, competence, performance, character and fitness of public officer or an employee pursuant to N.C.G.S. Sections 143-318.11(a)(6).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Nancy Hoffmann, Sharon Hightower, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie Wells.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, and Angela R. Lord, Deputy City Clerk.

Absent: None.

Also present: Attorney Bruce Ashley

Councilmember Outling did not participate in this portion of the closed session.

City Attorney Carruthers outlined the purpose of the closed session; spoke to the projected decision by the court on or about February 16th; and recognized Attorney Bruce Ashley that represented the City in the Greater Greensboro Entertainment Group lawsuit.

Attorney Ashley outlined the history of the item; spoke to a condemnation notice provided; outlined the lawsuit filed by Attorney Amiel Rossabi; spoke to a hearing on January 29th; to clarification of the issue before the Court; and the request and deadline for additional information.

Mayor Pro-Tem Johnson asked who the judge was for the case to which Attorney Ashley confirmed that Judge Andy Cromer from King was hearing the case.

City Manager Westmoreland spoke to the media attention; to the framework of the litigation; to non-factual information; to the opponents legal strategy; referenced previous conversations held; and to the importance of solid facts.

City Attorney Carruthers addressed to the City's response to Attorney Rossabi; emphasized the benefits of the public deck; to a public enterprise; and confirmed that once the case was settled, the City would move forward with the condemnation.

Attorney Ashley outlined the condemnation statutes and procedures; stated the next steps were dependent upon the decision by the Judge; and spoke to acquiring the title sometime in June.

Discussion ensued regarding possible legal outcomes of the case; easement enforcement; status of settlement of other cases; the issue of a public parking deck before the Court; the impact of a delay; the need for utility relocations; the formation of the project between the City and the hotel; potential incentives; and the parking lease agreement with Lincoln Financial.

City Attorney Carruthers confirmed the City would not provide incentives; spoke to design fee reimbursements; and to the next steps in the condemnation process.

Attorney Ashley left the meeting at 4:50 p.m.

CLOSED SESSION (CONT.)
February 6, 2018

THE FOLLOWING PORTION OF THE MEETING IS PERSONNEL AND PERMANENTLY SEALED

THE CLOSED SESSION WAS ADJOURNED AT 5:32 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

February 6, 2018
Closed Session



Angela R. Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____



Release Authorized by:
City Attorney/City Council

Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

6 MARCH 2018

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:54 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and to give instructions to legal counsel concerning the handling of a claim or judicial procedure pursuant to N.C.G.S. 143-318.11 (a) (3) and to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to G.S. 143-318.11 (a)(4).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaite, Nancy Hoffmann, Sharon Hightower, Justin Outling, Tammi Thurm and Goldie Wells.

Absent: Councilmember Michelle Kennedy

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, and Angela R. Lord, Deputy City Clerk.

Also present: Greensboro Chamber of Commerce, President and Chief Executive Officer Brent Christensen and Executive Vice President – Economic Development David Ramsey

Mayor Vaughan called the closed session meeting to order at 4:54 p.m.

City Manager Westmoreland reviewed a previous Project Sky/Publix request for two eight year/80% incentives; an updated request for one ten year/80% incentive; spoke to the need to advertise for a public hearing on March 20th; and requested Council approval to move forward with the project.

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to authorize staff to advertise for a public hearing for the Project Sky/Publix project. The motion carried by voice vote.

Discussion ensued regarding expediting the second phase of the project; the similarities to the MegaSite incentives; contributions by the state; touring a facility in Lawrenceville Georgia; Publix employee benefits; annexation; and the possible service area of the distribution center.

City Manager Westmoreland explained the language of the public hearing notice; the need to highlight job creation; and a performance based incentive.

Brent Christensen spoke to the public notice response by Publix, the Chamber, and the City to provide minimal information; and to a scheduled Publix Board meeting in August.

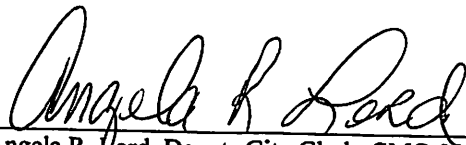
Moved by Councilmember Wells, seconded by Councilmember Hoffmann to adjourn the closed session. The motion carried by a unanimous voice vote.

THE CLOSED SESSION WAS ADJOURNED AT 5:05 P.M. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

March 6, 2018
Closed Session



Angela R. Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

6 MARCH 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 8:17 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with and give instructions to the City Attorney concerning the handling of a claim, or judicial action and to view the body worn camera footage, addressed in the Matter of Custodial Law Enforcement Agency Recording sought by the City of Greensboro in 17 CVS 9673 and 17 CVS 9674 pursuant to N.C.G.S. 143-318.11 (a)(3) and (a)(10), and to consider the performance and hear or investigate a complaint concerning public officers as detailed in Administrative Investigation EC2017-043 pursuant to N.C.G.S. 143-318.11 (a)(6)

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Justin Outling, Tammi Thurm, and Goldie Wells. Absent: Michelle Kennedy.

Also present: Jim Westmoreland, City Manager, Tom Carruthers, City Attorney, Wayne Scott, Police Chief, Andrea Harrell, Police Attorney, Teresa Biffle, Police Captain, MJ Harris, Police Lieutenant, and Rosetta Davidson, Assistant City Attorney.

The audio recording of the closed session shall serve as the minutes for said closed session as City Clerk Elizabeth Richardson was not authorized to be present per the court order.

Police Attorney Harrell recorded notes of the closed session in the absence of City Clerk Richardson.

City Attorney Carruthers stated City Manager Jim Westmoreland deemed it necessary and essential to the proper function of the City Council to inspect the file.

City Attorney Carruthers stated that the following persons were appointed designees in the court order: Police Chief Scott; Police Captain Biffle; Police Lieutenant Harris; Police Attorney Harrell and Assistant City Attorney Davidson.

City Attorney Carruthers stated that Police Attorney Harrell would be recording the minutes in the absence of City Clerk Betsey Richardson.

City Attorney Carruthers distributed the confidential agreement to Council for review.

It was the consensus of Council by unanimous vote to request an appeal to the Court of Appeals to appeal Judge Bray's decision with regard to the gag order; and recess the closed session.

City Attorney Carruthers stated a press release would be issued tomorrow.

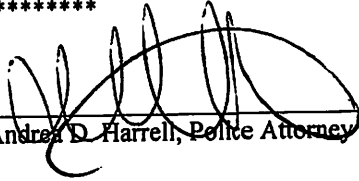
(A copy of the confidential agreement is incorporated herein and made a part of these minutes).

CLOSED SESSION WAS ADJOURNED AT 8:37 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANDREA D. HARRELL
POLICE ATTORNEY

March 6, 2018
Closed Session



Andrea D. Harrell, Police Attorney

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



Pledge of Confidentiality Pursuant to Court Order

WHEREAS, on December 21, 2017, the City of Greensboro filed two Petitions for Release of Custodial Law Enforcement Agency Recording, whereby it was requested that City Council be allowed to review body-worn camera recordings included in Administrative Investigation EC2017-043.

WHEREAS, on January 22, 2018, the Honorable Judge Susan Bray released the body-worn camera recordings to City Council to be viewed in the presence and under direction and control of the City Attorney or his designee.

WHEREAS, Judge Bray ordered that no photographs, screen shots or other duplications or recordings of the body-worn camera footage be made.

WHEREAS, Judge Bray further ordered that all viewers shall sign a pledge of confidentiality and are not to disclose or discuss the body-worn camera recordings except with each other in their official capacity.

WHEREAS, per Court Order, failure to comply with these restrictions subjects viewers to the contempt powers of the Court, which includes a fine of up to \$500 and imprisonment of up to 30 days.

NOW THEREFORE, the undersigned member of the Greensboro City Council specifically covenants and agrees to abide by the following terms and conditions pursuant to Court Order:

1. The Council member will not photograph, screen shot, or otherwise duplicate the body-worn camera recordings included in Administrative Investigation EC2017-043.
2. The Council member will not disclose or discuss the body-worn camera recordings except with each other in their official capacity, as necessary to perform their legal duties.

This the _____ day of March, 2018.

AGREED AND ACCEPTED BY:

Council Member

City Attorney

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

20 MARCH 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:15 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with the City Attorney and the attorney retained by the City concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., pursuant to G.S. 143-318.11 (a)(3), and to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an employee pursuant to N.C.G.S. Sections 143-318.11(a)(6).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells. Absent: None.

Also present: Jim Westmoreland, City Manager, Tom Carruthers, City Attorney, Jamiah Waterman, Interim Human Resource Director and Elizabeth H. Richardson, City Clerk.

THE FOLLOWING IS PERSONNEL RELATED AND PERMANENTLY SEALED

March 20, 2018

NV
3/23/18

March 20, 2018

THE FOLLOWING PORTION OF THE MEETING IS NON-PERSONNEL

City Attorney Tom Carruthers, Attorney Bruce Ashley, and Assistant City Attorney Rosetta Davidson entered the meeting at 5:30 p.m.,

Attorney Bruce Ashley provided an update on the parking deck litigation; spoke to Judge Cromer not ruling on the case; provided the history of the case; referenced the status of the Preliminary Injunction; spoke to status of the informal agreement between the parties; possible delay of the case; and provided several options for the City going forward, some of which might seem aggressive. Attorney Ashley suggested the City meet with the developer to discuss their intentions; timeframe; and stated that he understood the developer had not been forthcoming with some information.

City Manager Westmoreland confirmed the City would meet with the developers on Wednesday; spoke to things that would take place going forward; provided the history of the reimbursement agreement; verified the City was waiting on the cost breakdown; and stated that he had confidence the developer would provide the necessary information and be forthcoming.

City Attorney Carruthers provided the next steps; stated the City would file an Answer next week; referenced the Adam Fischer email; stated staff needed to receive a breakdown of public, private and shared costs from the developer; spoke to facts that would need to be taken into consideration before going forward; and confirmed the project was delayed.

Discussion took place regarding whether the developer had been forthcoming with pertinent information; the City receipt of the figures; if the developer had been given a timeframe; and details/elements of the reimbursement agreement. Discussion continued regarding what would be discussed on Wednesday; negative press by the News and Record; information provided by Attorney Rossabi; the need to get the City's message out to the public; risk management; placing the ball in the developer's court; committing more monies than the deck would actually cost; the need to find out the developer's figures and time constraints; and waiting to take action until they had received the figures.

Attorney Ashley provided an overview of the litigation timeframe; spoke to the process should the Judge ruled in the City's favor on the Preliminary Injunction; stated counsel could push the litigation but that it could be up to six months; and outlined the process should the judge not rule in favor of the City.

Council discussed the work the developer could do should the judge not rule on the case; ability of the developer to move forward in June; previous settlement offers; and if the deck could be built around the easement.

City Manager Westmoreland emphasized that staff was looking for a deck that worked for the City; and that building around the easement would be similar to running a street through the middle of a building.

Additional discussion took place regarding previous settlement offers; amount the City settled with Eric Robert; potential to spend an estimated \$500,000 to litigate the case; litigation budget; account the funds would be allocated from; getting to a litigation negotiation; and the costs to date.

Attorney Ashley spoke to the attorney's fees of all parties; estimated costs for litigation; and the parties' right to appeal.

Mayor Vaughan suggested the City offer an amount to settle; and give them points 1-8.

City Attorney Carruthers stated counsel could explore negotiating with Greater Greensboro Entertainment Group, LLC rather than the NClub; spoke to paying them monthly for the loss of business; negotiating on the 8 points they were requesting; and the need to begin discussions.

Councilmember Abuzuaiter spoke to businesses being shut down for other reasons; and stated that she would not support that proposal.

March 20, 2018

Councilmember Hoffmann voiced the need to provide them with a lump sum.

Mayor Vaughan voiced the need for a counteroffer at this time.

City Manager Westmoreland reminded Council that staff had tried to accommodate their needs and interests; spoke to what the opposing party had come back with; and asked for the timeframe of Council.

Councilmember Hightower voiced concern with giving them the impression that the City was pressed for a settlement should one be offered at this time.

Discussion took place regarding if the City lost the case; making this a City only parking deck project; coming up with a dollar amount for settlement; and cost for attorney fees.

City Attorney Carruthers advised that the cost for attorney fees was a big item; and stated that staff would ask for a disclosure of Attorney Rossabi's fees to date.

Attorney Ashley suggested Council wait to see what happened over the course of the next several days.

THE CLOSED SESSION WAS ADJOURNED AT 5:59 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

March 20, 2018
Closed Session

Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
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- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
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CITY OF GREENSBORO

CLOSED SESSION

3 APRIL 2018

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:15 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with and give instructions to the City Attorney and the attorney retained by the City concerning the handling of a settlement or claim and concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., pursuant to G.S. 143-318.11 (a)(3).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Nancy Hoffmann, Sharon Hightower, Michelle Kennedy, Tammi Thurm and Goldie Wells.

Absent – Justin Outling

Also present: City Manager Jim Westmorland, Interim City Manager David Parrish, City Attorney Tom Carruthers, and Deputy City Clerk, Angela R. Lord.

Also present: Attorney Bruce Ashley

Mayor Vaughan called the meeting to order at 5:15 p.m.

City Attorney Tom Carruthers outlined the purpose for the closed session; stated Attorney Bruce Ashley would provide a settlement update; and referenced discussions from a previous closed session regarding mediations.

City Manager Jim Westmoreland reviewed the mediation and negotiation process; and spoke to reaching the best deal for the City.

Attorney Ashley spoke to the importance of the case; recommendations for the parking deck development; outlined the proposed cash settlement of \$500,000, \$80,000 for attorney fees, and \$150,000 for construction with N Club; and referenced the need to address an additional settlement.

City Attorney Carruthers explained the parking deck position of the Peter's Holdings, LLC owner of Limelight club; a request for an equal settlement to the N Club; and spoke to an easement going through the deck.

Councilmember Kennedy left the meeting at 5:19 p.m. and returned at 5:21 p.m.

City Attorney Carruthers reviewed the terms of the settlement with Peter's Holdings, LLC of \$100,000; spoke to the footage for an easement; a potential additional payout of \$300,000 if Council did not approve the request for a wider easement; and to the time sensitive nature of the settlement.

Mayor Pro-Tem Johnson left the meeting at 5:24 p.m. and returned at 5:25 p.m.

Moved by Mayor Vaughan, seconded by Councilmember Hoffmann to authorize staff to move forward with the settlement with Peter's Holdings. The motion carried by voiced vote 7-1 with Councilmember Hightower voting 'No'.

Discussion took place regarding confidentiality; the binding of the agreement; and a difficult case.

Interim City Manager David Parrish provided information from an on-site meeting.

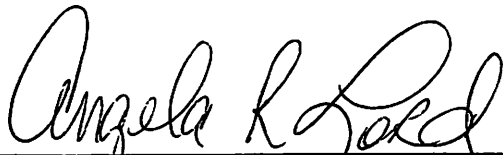
Moved by Councilmember Hoffmann, seconded by Mayor Vaughan to adopt the financial aspect of the settlement. The motion carried by voice vote 7-1 with Councilmember Hightower voting 'No'.

THE CLOSED SESSION WAS ADJOURNED AT 5:23 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

April 3, 2018
Closed Session



Angela R Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

24 APRIL 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:51 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with and give instructions to the City Attorney and the attorney retained by the City concerning the handling of a settlement or claim and concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., and to discuss matters relating to the location or expansion of industries or other businesses in the area, including agreement on a tentative list of economic development incentives that may be offered and to instruct the City's staff concerning negotiations of the price and other material terms of a contract or proposed contract for acquisition by purchase, option, lease or exchange of real property pursuant to N.C.G.S. 143-318.11(a) (3), (a) (4) and (a) (5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells. Absent: None.

Also present: Jim Westmoreland, City Manager, David Parrish, Interim City Manager, Tom Carruthers, City Attorney, and Elizabeth H. Richardson, City Clerk.

Councilmember Outling was not present for the first portion of the closed session.

City Attorney Tom Carruthers outlined what would be discussed with regard to the settlement of the February 1 parking garage case; referenced discussions in closed session a month ago; explained the \$650,000 settlement fee to be split between the NClub and Greater Greensboro; the \$85,000 legal fees; the exclusive parking easement to be granted to the NClub within the alleyway next to their building; the access easement which would be expanded at the completion of the construction; explained the votes that Council would be asked to take this evening; outlined the settlement of the Peters Holdings case for \$150,000 plus \$35,000 in legal fees; and confirmed that the settlement agreements would be executed by the time Council voted on the resolutions this evening.

Mayor Vaughan interjected that the NClub settlement was similar to what had been discussed; spoke to what had been changed; and emphasized that the deck would not need to be redesigned;

City Attorney Carruthers verified that the hotel construction remained on schedule; referenced discussions with Mr. Dillon's group who had committed a minimum \$35 million investment; and clarified which structures would be taken down and by whom.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower that Council support the \$650,000 settlement and \$85,000 attorney fees for the NClub and Greater Greensboro. The motion carried by unanimous voice vote. Councilmember Outling was excused.

Moved by Councilmember Thurm, seconded by Mayor Pro-Tem Johnson to grant the easements to benefit the NClub and Peters Holdings. The motion carried by unanimous voice vote. Councilmember Outling was excused.

City Attorney Carruthers explained the location of the proposed easements; reminded Council of Councilmember Outling's conflict; and stated that there was an increase from \$100,000 to \$150,000 plus \$35,000 in attorney fees in the Peters Holdings settlement amount.

Moved by Councilmember Abuzaiter, seconded by Councilmember Hoffmann to agree to the increase in the settlement to Peters Holdings. The motion carried by unanimous voice vote. Councilmember Outling was excused.

April 24, 2018

Councilmember Kennedy voiced that the settlements were cheaper than going to court. Mayor Pro-Tem Johnson asked if a neighbor could be at the meeting to talk about the tornado recovery.

Councilmember Outling entered the meeting at 5:05 p.m.

Councilmember Wells requested that a centralized location be in place for the tornado issues and concerns.

Interim City Manager David Parrish provided an update on the Emergency Response Plan; spoke to meetings that had taken place; outlined the next steps; spoke to the status of FEMA; and stated he would provide Council with talking points.

Councilmembers voiced appreciation and praise the City for the work they had done.

Interim City Manager Parrish provided an update on option B for the Eugene Street parking deck; referenced discussions with GMA and First Point for property across Eugene Street; spoke to the lack of movement on the proposed deck; and stated he would keep Council posted.

Discussion took place regarding the delay of the project design; and commitment by Carroll Corporation.

Interim City Manager Parrish provided the history of the project; major reason for the project; referenced issues with air rights; confirmed that staff would continue discussions with Carroll Corporation; spoke to the serviceable access for the proposed decks; non-negotiable items for Carroll Corporation; and concerns with parking decks only have one entrance/exit.

Discussion took place regarding progress of the February One Deck during the litigation; the need for a super structure to support a hotel; things that would need to be incorporated into the design; and experience working with Carroll Corporation.

Councilmember Outling suggested the City continue working on both options until a letter of intent had been received; and requested the City be transparent on the progress.

Additional discussion took place regarding perception that the City was backing out of the project; the media already having the information; the need for the City to continue working on all fronts to get the best deal; the price of land increasing once properties had been identified; and whether Mr. Carroll was aware of the second option.

Mayor Vaughan explained conversations that had taken place with Mr. Carroll over the past two weeks; referenced plans that had been forwarded from him during that timeframe; and confirmed that she had spoken with Mr. Carroll yesterday conveying the City's intentions.

Further discussion took place regarding a majority vote of Council; Carroll Corporation meeting the City's requirements; status of the proposed office building; Carroll Corporation's recent requests; the need for continued discussions on both options; to be conservative moving forward; and the status of Robin Team.

City Manager Westmoreland left the meeting at 5:12 p.m. and returned at 5:15 p.m.

Mayor Pro-Tem Johnson left the meeting at 5:23 p.m.

Interim City Manager Parrish referenced conversations that had taken place; and stated staff would continue to move forward on discussions for the project.

City Manager Westmoreland reiterated that he had conveyed to Mr. Carroll the City's intentions to move to a second option due to time constraints; emphasized the need to continue discussions with Carroll Corporation; and stated he had spoken with John Hammer.

April 24, 2018

THE CLOSED SESSION WAS ADJOURNED AT 5:25 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

April 24, 2018
Closed Session

Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



THE CLOSED SESSION WAS ADJOURNED AT 5:25 P.M. BY CONSENSUS OF THE MEMBERS OF THE

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

5 JUNE 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 9:40 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council, to discuss matters relating to the expansion of businesses, including potential economic development incentives that may be offered in negotiations and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property, and to consider the qualifications, competence, performance, character, fitness and conditions of appointment of an employee pursuant to N.C.G.S. Sections 143-318.11(a)(3), (a)(4), (a)(5) and (a)(6).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells. Absent: None.

Also present: David Parrish, Interim City Manager, Tom Carruthers, City Attorney, and Elizabeth H. Richardson, City Clerk.

Interim Assistant City Manager David Parrish explained the purpose of the closed session for a second parking deck closest to the ball stadium; provided an overview of the map he had handed out to Council; explained the colored parcels on the map; outlined the location for the proposed parking deck; the process for the land transaction with Guilford County; appraised value of the County property and the Sandhills building located on it; the proposed lease provisions; and explained that the proposed deck would be an estimated 900 space pre-cast deck. Interim City Manager Parrish further explained the estimated cost for the City; reduced cost for the construction of a pre-cast deck; investment that would be made by Carroll Corporation; property owned by Carroll Corporation; previous offer made by Mr. Carroll to purchase said property; spoke to the remnant piece of land; deal fatigue; and confirmed the City would own the parking deck.

Discussion took place regarding the City owning the parking deck should Carroll Corporation not agree to the plan; the total investment of the City; square footage of the Sandhills building; and if an alleyway was included in the proposal.

Interim City Manager Parrish stated the land purchase would be approximately \$2.5 million; that the deck cost would be an estimated \$20 million; explained that the deck would not require a brick façade; spoke to the status of the building currently located on the property; stated his proposal was to make an offer for the County property with the building on it; to work with Carroll Corporation to purchase their property; clarified what property the City would own; verified that Carroll Corporation would provide access easements for Eugene and Bellemeade streets; and that this would be a City owned project.

Discussion ensued authorizing Interim City Manager Parrish to negotiate some level of price this week to allow the Guilford County Commissioners to discuss the proposal in closed session; possibly going as high as \$5 million; the need to receive a renewed commitment from Project Slugger to ensure the parking demand; Project Slugger reducing the number of floors from nine to six; and the need for written commitments from all parties.

Interim City Manager Parrish spoke to Carroll Corporation's investments; the hotel franchise; the City's original investment of between \$30 and \$40 million for a deck; taking a maximum offer of \$5.2 million to the County; and requested direction to take an offer to the County.

June 5, 2018

Discussion took place regarding the County leasing the Sandhills building for \$1 for two years; why the City could not do the project by itself; size of the proposed deck; moving forward without Carroll Corporation; placement of the parking deck; and where the revenue would come from should the City not have Carroll Corporation's investment or parkers to sustain the deck. Further discussion took place reducing the timeframe for a commitment from Carroll Corporation; the need to know the demand for parking should Carroll Corporation not commit; Interim City Manager Parrish coming back to Council on June 12th; and the need for a written commitment from Carroll Corporation.

Interim City Manager Parrish asked for Council's authorization of up to \$5.2 million with a starting point of \$4.65 contingent on Carroll Corporation.

City Attorney Carruthers suggested Interim City Manager Parrish go to the County; and then to Carroll Corporation.

Additional discussion took place regarding lack of a guarantee from Carroll Corporation; if there was a backup plan; what would happen should Project Slugger fall apart; alternative options; and the amount of money spent to date on the project.

Interim City Manager Parrish voiced the need to do something financially stable; stated he would start with an offer of \$4.65 million to the County; require a five year investment from Carroll Corporation; and get a written commitment from Project Slugger.

It was the unanimous consensus of Council for Interim City Manager Parrish to move forward as proposed.

Mayor Vaughan requested Interim City Manager Parrish come back to Council in a closed session on June 12th.

Interim City Manager Parrish collected the handouts back up.

Interim City Manager Parrish and City Attorney Carruthers left the closed session at left at 10:12 p.m.



June 5, 2018

THE FOLLOWING MINUTES ARE PERSONNEL RELATED AND ARE PERMANENTLY SEALED

June 5, 2018

June 5, 2018

THE CLOSED SESSION WAS ADJOURNED AT 10:51 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

June 5, 2018
Closed Session

Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

12 JUNE 2018

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 2:33 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council, to discuss matters relating to the expansion of businesses, including potential economic development incentives that may be offered in negotiations and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property pursuant to N.C.G.S. Sections 143-318.11(a)(3), (a)(4) and (a)(5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Nancy Hoffmann, Sharon Hightower, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie Wells.

Also present: David Parrish, City Manager, Tom Carruthers, City Attorney, and Angela R. Lord, Deputy City Clerk.

Also present: Finance Director Rick Lusk

Mayor Vaughan called the closed session meeting to order at 2:33 p.m.

City Manager David Parrish provided an update on the offer and negotiations for the parking deck; outlined property appraisals; referenced discussions with Guilford County Manager Mary Lawing; spoke to the value of the building on the property; to the investment by the City and Roy Carroll; to a five year commitment; and to leasing property to Guilford County. City Manager Parrish provided a financial outline for the investment by the City; spoke to the proposed return on investment; and to authorization of Council for an offer.

Discussion took place regarding the current appraisal and negotiations of the property value; acreage of the site; the need for Guilford County to invest in Greensboro; and realtor fees.

City Manager Parrish outlined the next steps; and a potential final offer of \$5.5 million.

Councilmembers Outling and Kennedy voiced concern with the \$5.5 million offer; and recommended capping the offer at \$5.2 million. It was the consensus of Council to authorize City Manager Parrish to make a counter-offer of \$5.2 million.

Mayor Vaughan requested City Manager Parrish to represent the City in the meeting with Mr. Lawing in order to provide a presentation on behalf of the City.

Discussion continued regarding the total investment of the City; and funding of the potential project.

THE CLOSED SESSION WAS ADJOURNED AT 2:49 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

June 12, 2018
Closed Session

Angela R Lord

Angela R Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date

TDC

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

19 JUNE 2018

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 7:59 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council, and to consult with and give instructions to the City Attorney concerning pending litigation in the matter Fullwood vs. Barnes, to discuss matters relating to the expansion of businesses, including potential economic development incentives that may be offered in negotiations and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property pursuant to N.C.G.S. Sections 143-318.11(a)(3), (a)(4) and (a)(5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, and Tammi Thurm. Absent: Goldie Wells.

Also present: David Parrish, City Manager, Tom Carruthers, City Attorney, Rick Lusk, Finance Director, Wayne Scott, Police Chief, Polly Sizemore, Police Attorney and Elizabeth H. Richardson, City Clerk.

City Manager David Parrish provided an overview of conversations he had with Guilford County Manager Marty Lawing; the closed session with the Guilford County (County) Commissioners; spoke to what he thought the County's final figure would be; provided the history of the property appraisals; Mr. Carroll's previous offer to the County; spoke to the County's impression of what they thought the City would offer; outlined renderings Mr. Carroll had shown him; confirmed the amount of Mr. Carroll's five year investment commitment; that the City would cover the cost for the demolition of the existing structure; that the City would be provided drive aisle access easements to Eugene and Bellemeade Streets; explained the property exchange between the City and Mr. Carroll; the process for the closing with the County; and the process for a simultaneous closing with Mr. Carroll.

Discussion took place regarding the parking deck; demolition of the existing structure; length of time for a lease to the County; maintenance responsibility of the County for the existing structure; possible closing dates; figure the County had in mind; offering up to \$5.5 million; investment of the City; staying at the original \$5.2 million offer; responsibility of the County; and consequences should the project not move forward. Additional discussion ensued regarding the County's need to replace three schools as a result of the tornado; work done to date to make the parking deck project move forward; partnering on the parking deck; County gain/benefit as a result of the project; economic responsibility of the County; City Manager Parrish not being present in the County's closed session; tax value of the said properties; timeframe for the City to get a new appraisal; this being a major project for Downtown; and the need to move the project forward.

Councilmember Abuzuaiter suggested the City offer \$5.5 million with a cap at \$5.6 million.

Further discussion took place regarding the County funding and partnership in the Pure Violence project; City Manager Parrish not being invited into the County's closed session on Thursday evening; savings to the County due to the property not going out on the market; difference between the original offer and the proposed \$5.5 million; overpaying at \$5.5 or \$5.6 million; reduction in cost to the City from the original parking deck proposal; use of City parking decks by jurors; projected costs of approximately \$6 million

June 19, 2018

for the City; point of leverage; surplus in the County's budget; cost for demolition of the existing building; recouping the funding through taxes; and alternate offer amounts.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hightower to offer up 5.5 million with a cap of \$5.6 million. The motion carried by a 5-3 voice vote with Mayor Vaughan and Councilmembers Kennedy and Outling voting 'no'.

City Manager Parrish assured Council he would stay as low as possible with an offer to the County.

Mayor Vaughan requested that the number remain confidential.

Mr. Lusk left the meeting at 8:34 p.m.

Police Chief Wayne Scott and Police Attorney Polly Sizemore entered the meeting at 8:34 p.m.

City Attorney Tom Carruthers provided a brief history of the case and mediation; and stated that Police Attorney Polly Sizemore would provide an update on the Jason Fullwood case.

Councilmember Hightower voiced concern with giving money to Mr. Fullwood.

Attorney Polly Sizemore provided an overview and the history of the Fullwood arrest and case; outlined the actions of former Police Captain Shawn Barnes (Barnes); decisions that had been made by an Assistant District Attorney and the courts; provided details of the denial of a motion for Summary Judgment; reviewed the issues of the case; relationship between Mr. Fullwood and Barnes; spoke to the content of the affidavit prepared by former Police Attorney Jim Clark, signed by Barnes that might provide some issues in the case; read a statement from the Court of Appeals; and spoke to the mediation that took place on Monday.

Council discussed not settling with Mr. Fullwood; Mr. Fullwood's request in the amount of \$5,500 to settle the case; knowledge of Mr. Fullwood's illegal activities; character and work of Barnes; cost and damages of Mr. Fullwood to date; the outcome of a jury trial; to what message a settlement might send; hearing the case; and the work of former Police Attorney Clark.

Police Chief Wayne Scott spoke to the understanding and relationship between officers and former Police Attorney Clark; and the officers' faith in the current police attorneys.

Attorney Sizemore verified that she had reviewed the issue with Barnes; that a settlement would deny Mr. Fullwood of any further claims; and that Barnes was realistic about what the City was facing and what a jury might decide.

City Attorney Carruthers informed Council that Barnes could be found to have acted maliciously; and that if he was, it might be outside of the City's defense resolution which could be a problem.

June 19, 2018

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm to settle the case in the amount of \$5,500. The motion carried 6-2 by a voice vote with Mayor Pro-Tem Johnson and Councilmember Hightower voting 'no'.

THE CLOSED SESSION WAS ADJOURNED AT 8:51 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

June 19, 2018
Closed Session

Elizabeth H. Richardson
Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential
- (B) Confidential Pending Release
- (C) Release for Public Inspection

7.23.18 eta sent to legal

Release Authorized by:
City Attorney/City Council

Date

TDC

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

6 AUGUST 2018

Pursuant to a motion made at the Regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 8:00 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council, and to consult with and give instructions to the City Attorney and an attorney retained by the City concerning pending litigation in the matter of Charlotte Jackson v. Greensboro, to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase or exchange of real property pursuant to N.C.G.S. Sections 143-318.11(a) (3), and (a) (5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaite, Nancy Hoffmann, Sharon Hightower, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie Wells.

Also present: David Parrish, City Manager, Tom Carruthers, City Attorney, and Angela R. Lord, Deputy City Clerk.

Also present: Turning Point Litigation Attorney Steve Russell

Mayor Vaughan called the closed session meeting to order at 8:00 pm

City Manager David Parrish distributed a map for Council review; provided an update on the Norfolk Southern Railroad item in regards to the Greenway trail; commended Assistant City Manager Chris Wilson and Interim Assistant City Manager Steve Drew for work on the item; reviewed negotiations and land appraisals; spoke to 2016 Bond funds allocations; acceptance of an offer for \$8.5 million for an approximate three mile purchase; the Right of Way (ROW); outlined Action Greensboro meetings; a pledge of \$1.5 million; spoke to the next steps in securing a purchase sales agreement; to rail banking; a potential purchase date in 2019; stated Phase 4 had been designed; spoke to competition of the Urban Loop Greenway; to designs being underway for north of Benjamin Parkway; to traffic issues to be addressed by the North Carolina Department of Transportation; and stated staff would provide an update on the project at a later date.

City Attorney Tom Carruthers requested a clarification of rail banking.

City Manager Parrish explained rail banking as a protected Federal program; easement rights would be relinquished by the railroad to the City of Greensboro; spoke to lease payments; a ROW for Downtown Greenway; deed restrictions; to alternatives; clarified the current option as an exclusive right to the property; stressed the project was highly confidential; and requested a consensus to accept the agreement.

(The handout was collected due to the confidential nature of the item.)

Mayor Vaughan requested an update on the Cone Denim building item.

City Attorney Carruthers confirmed it appropriate under the condition for the closed session; spoke to a potential deed exchange.

Councilmember Outling clarified the discussions involved the settlement agreement in which City Attorney Carruthers responded in the affirmative. Therefore, Councilmember Outling requested to be excused from the

closed session portion of the meeting for the discussion involving Cone Denim. It was the consensus of Council to excuse Councilmember Outling.

Councilmember Outling left the meeting at 8:09 p.m.

City Attorney Carruthers spoke to the status of the reimbursement agreement with Greg Dillon; the Dixie Building flood; attempts to finalize an agreement with the N Club; voiced an agreement had been made on the easement language; spoke to an adequate agreement for the City to acquire the deed; and outlined an additional request to provide air space for an extension of the business.

Mayor Vaughan stated for the record she was not in favor of the additional request.

City Attorney Carruthers continued by speaking to the review of designs and the Building Inspector to clarify the air space would not have an effect on the alley or the parking garage; stated the change would require approval of Council; the proposal was worthy of consideration; highlighted the importance of the \$65 million private/public partnership; and the affect a delay would have on Mr. Dillon's financing of the project

Mayor Vaughan spoke to the settlement agreement; payment that was paid and accepted by the plaintiff; to honoring the mediation agreement; and voiced concern with approving the request.

Discussion took place regarding consequences of the request being approved or denied; possible delay of the parking deck project; concerns for the timing of the request; enforcement of the settlement agreement; changes in legal representation for Rocco Scarfone; and clarification that approval would not have any additional cost to the City.

City Attorney Carruthers voiced the need to finalize the parking deck project; spoke to the legal strategies used by Mr. Scarfone; to a possible lawsuit from Mr. Dillon should the project fall through or be delayed; and outlined the next steps required to move forward with the parking deck project.

Discussion continued regarding the request having no financial burden on the City; the need for a consensus to consider the request; an increase to the tax base; investment in the parking deck project; a draft waiver; construction that had taken place; and advertisement of the property exchange.

City Attorney Carruthers confirmed a consensus of Council to move forward.

Councilmember Outling returned to the closed session meeting at 8:25 p.m.

City Attorney Carruthers spoke to the City defense team; the Police Union Attorney Bill Hill suing the City on behalf of former Police Officer Charlotte Jackson; spoke to recommendations for Council; and recognized Attorney Steve Russell with Turning Point Litigation.

Attorney Russell provided a history of the case involving the Dejuan Yourse arrest; the investigation into the actions of Officer Travis Cole and Officer Jackson (Jackson);

body worn camera footage;

the resignation by Officers Jackson and Cole;

outlined federal claims by Jackson;

disputes; allocations regarding Deputy Police Chief Hinson (Hinson) as Jackson's commanding officer; and explained the complaint was being amended to include Hinson in the lawsuit.

Discussion took place regarding personnel law; potential information shared with Council; the release of the Yourse video; evidence about conversations between Hinson and a Councilmember; a fair hearing; the effect of the suit on the Police Department; credibility of Jackson; evidence to support claims; and the career advancement desires of Hinson.

Police Chief Wayne Scott spoke to the investigative process; accuracy of reports; bases for firing; and to the appeal process in place.

Discussion continued regarding possible punitive damages; legal costs; viewed body worn camera footage; differences in documentation; and the need to view footage again.

Councilmember Kennedy left the meeting at 8:40 p.m. and returned at 8:42 p.m.

Attorney Russell spoke to the Internal Affairs (IA) investigation; spoke to an interest to settle; a reduction in the request by Jackson; outlined events during mediation; highlighted the mediation fee had been waived; and stated a proposed settlement agreement of \$11,500 had been reached.

Moved by Councilmember Hoffmann, seconded by Councilmember Abuzuaiter to settle the lawsuit with former Officer Jackson in the amount of \$11,500. The motion carried by a voice vote of 9-0.

THE CLOSED SESSION WAS ADJOURNED AT 8:46 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

TDC

August 6, 2018 (AK)
~~January 9, 2018~~
Closed Session

Angela R Lord

Angela R Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status
(A) Must Remain Confidential _____
(B) Confidential Pending Release _____
(C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date